

INTRODUCED: March 28, 2016

AN ORDINANCE No. 2016-106

To authorize the Chief Administrative Officer to execute a Memorandum of Understanding between the City of Richmond, Virginia, and the Commonwealth of Virginia for the purpose of setting out certain obligations related to the closing of a portion of North 12th Street and Governor Street between its intersection with East Broad Street and its intersection with Bank Street.

Patron – Mayor Jones

Approved as to form and legality
by the City Attorney

PUBLIC HEARING: APR 25 2016 AT 6 P.M.

THE CITY OF RICHMOND HEREBY ORDAINS:

§ 1. That the Chief Administrative Officer, for and on behalf of the City of Richmond, is hereby authorized to execute a Memorandum of Understanding between the City of Richmond, Virginia, and the Commonwealth of Virginia for the purpose of setting out certain obligations related to the closing of a portion of North 12th Street and Governor Street between its intersection with East Broad Street and its intersection with Bank Street. The Memorandum of Understanding shall be approved as to form by the City Attorney and shall be substantially in the form of the document attached to this ordinance.

AYES: 9 NOES: 0 ABSTAIN: _____

ADOPTED: APR 25 2016 REJECTED: _____ STRICKEN: _____

§ 2. This ordinance shall be in force and effect upon adoption.



CITY OF RICHMOND
INTRACITY CORRESPONDENCE

O & R REQUEST

FEB 19 2016
4-4822
Chief Administration Office
City of Richmond

O&R REQUEST

DATE: February 16, 2016

EDITION: 1

TO: The Honorable Members of City Council

THROUGH: Dwight C. Jones, Mayor (By Request)

THROUGH: Selena Cuffee-Glenn, Chief Administrative Officer

THROUGH: John Buturla, Interim Deputy Chief Administrative Officer

THROUGH: Emmanuel Adediran, Director, Department of Public Works

THROUGH: M.S. Khara, P.E., City Engineer, Department of Public Works

FROM: Marvin Anderson, Department of Public Works

RECEIVED

MAR 11 2016

OFFICE OF CITY ATTORNEY

RE: PROPOSED CLOSING OF A PORTION OF PUBLIC RIGHT-OF-WAY KNOWN AS 12TH STREET/GOVERNOR STREET UPON CERTAIN CONDITIONS AND TRANSFER TO COMMONWEALTH OF VIRGINIA ANY CITY INTERESTS IN CERTAIN AREAS EAST OF CAPITOL SQUARE

ORD. OR RES No. _____

PURPOSE: To repeal or amend Ordinance No. 2005-231-209 and adopt any other ordinances necessary to accomplish the following:

- (1) To close to public use and travel the right-of-way beginning at the south right-of-way line of E. Broad Street, and running south on 12th Street for approximately 139 feet ± where the street name changes to Governor Street, then continuing south on Governor Street to the north right-of-way line of Bank Street, to public use and travel containing 50,377± square feet, as shown enclosed with bold lines and noted on a plan prepared by the Department of Public Works and designated as DPW Dwg. No. O-23817, dated April 17, 2003 entitled "PROPOSED CLOSING OF 12th STREET/ GOVERNOR STREET FROM BROAD STREET TO BANK STREET." (Note: This being the same portion of right-of-way that Ordinance No. 2005-231-209 closes upon the satisfaction of certain conditions, which have not been satisfied). Such closure shall not take effect until the conditions listed on the document attached hereto entitled GOVERNOR STREET CLOSURE TERMS AND CONDITIONS and dated February 16, 2016, are satisfied (the "Conditions") and shall be subject to the terms listed thereon (the "Terms"). In relation to the closure, the ordinance(s) should also:
a. Authorize the Chief Administrative Officer to accept any property interests required to be conveyed to the City by the Conditions.

- b. Authorize the Chief Administrative Officer to execute the Memorandum of Understanding, following execution of such MOU by the Commonwealth as required by the Conditions.
 - c. Authorize the Director of Public Utilities to execute the Utilities Review Agreement, following execution of such Utilities Review Agreement by the Commonwealth as required by the Conditions.
- (2) To authorize the Chief Administrative Officer to convey via quitclaim deed any interest the City may hold in those certain areas described on the document attached hereto entitled CAPITOL SQUARE QUITCLAIM TO COMMONWEALTH, dated February 16, 2016, subject to the limitations stated thereon; such areas being generally shown labeled as Section 2(1), Section 2(2), and Section 2(3) on DPW Drawing No. N-28630, dated April 27, 2015, and entitled "Sketch Showing Various Areas Referenced in Ordinance Concerning Properties of the City of Richmond and the Commonwealth of Virginia."

REASON: Ordinance No. 2005-231-209 was adopted by City Council on October 10, 2005 in response to a previous request to close 12th Street/Governor Street between Bank Street and E. Broad Street but the conditions of the ordinance were never satisfied. After recent discussions between the Commonwealth and the City, it is requested that the closure of 12th Street/Governor Street be conditioned upon new up-to-date Conditions. To satisfy the Conditions, in part, the Commonwealth must convey to the City certain property that will support the City's redevelopment of Main Street Station and the Commonwealth's interest, if any, in certain property in the area east of Capitol Square (over which the City currently exerts control as City rights-of-way). As such, in addition to the closure of 12th/Governor Street, it is requested that the City convey to the Commonwealth the City's interest, if any, in certain other property east of the Capitol Square area (over which the Commonwealth already exerts control for all intents and purposes) as described in the document attached entitled CAPITOL SQUARE QUITCLAIM TO COMMONWEALTH, dated February 16, 2016.

RECOMMENDATIONS: Recommend adoption of the ordinances necessary to close 12th Street/Governor Street upon the satisfaction of the Conditions and to accomplish those other items listed in the Purpose section of this request.

BACKGROUND: The closure of 12th Street/Governor Street between Bank Street and E. Broad Street was previously approved by Ordinance No. 2005-162-152, adopted July 25, 2005, which was amended by Ordinance No. 2005-231-209, adopted on October 10, 2005 but the conditions of the ordinance, as amended, were never satisfied.

Recent discussions and negotiations between the Commonwealth and the City have led to this proposed ordinance which for closing the 12th Street/Governor Street rights-of-way. In addition, the ordinances will provide clarity of property interests for both Commonwealth and the City in the area located east of Capitol Square. For example:

1. Numerous streets and alleys have been vacated throughout the Capitol Square area over the years but some uncertainty seems to exist as to whether, within certain areas, all City interests have been vacated and whether a clear title now rests with the Commonwealth. The proposed ordinances would allow for the City to quitclaim any interests it may still have in these areas.
2. During the project to relocate N 15th Street between E. Main Street and E. Franklin Street, certain property owned by the Commonwealth of Virginia was needed for right-of-way which would leave a residual parcel between the new street and the Interstate 95 right-of-way. This proposed ordinances require the conveyance of this parcel and right-of-way from the Commonwealth to the City and authorize the CAO to accept such conveyance on behalf of the City.

3. Records are unclear as to whether the City received all conveyances for rights-of-way of N.14th Street (between E. Main Street and E. Broad Street) and also Bank Street/E. Franklin Street (between N.13th St/Governor Street and existing 15th Street) during their relocations. In an attempt to establish a clearer title to these rights-of way, the proposed ordinances require for the Commonwealth to convey to the City any interests it may have in these properties and authorize the CAO to accept such conveyance on behalf of the City.

FISCAL IMPACT/COST: None anticipated.

FISCAL IMPLICATIONS: None anticipated.

BUDGET AMENDMENT NECESSARY: No amendment necessary at this time.

REVENUE TO CITY: None

DESIRED EFFECTIVE DATE: Upon Adoption.

REQUESTED INTRODUCTION DATE: March 14, 2016

CITY COUNCIL PUBLIC HEARING DATE: April 11, 2016

REQUESTED AGENDA: Consent Agenda.

RECOMMENDED COUNCIL COMMITTEE: Planning Commission

CONSIDERATION BY OTHER GOVERNMENTAL ENTITIES:

AFFECTED AGENCIES: Public Works; Law Department; Planning and Development Review; Public Utilities; Economic and Community Development; Assessor; Budget and Strategic Planning; Fire Department; Police Department, Mayor's Office, CAO's Office, Finance, City Attorney

RELATIONSHIP TO EXISTING ORD. OR RES.: Ordinance Nos. 2005-231-209; 2005-162-152

REQUIRED CHANGES TO WORK PROGRAM(S): None.

ATTACHMENTS: Governor Street Closure Terms and Conditions; Capitol Square Quit-Claim to Commonwealth; DPW Drawing. Numbers N-28630, O-23817, O-23955 (Sheet 1 of 1) and P-16036; Memorandum of Understanding; Utilities Review Agreement

STAFF:

Prepared for Emmanuel Adediran
Prepared by Marvin Anderson
Research and Drawing Coordinated
Department of Public Works
646-0435

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU"), dated this ____ day of _____, 2016, between the COMMONWEALTH OF VIRGINIA, through its DEPARTMENT OF GENERAL SERVICES (the "DGS"), and the CITY OF RICHMOND, VIRGINIA (the "City"), a municipal corporation and political subdivision of the Commonwealth of Virginia (collectively "the Parties"), recites and provides as follows:

Recitals

WHEREAS, the City adopted Ordinance No. _____ on _____, 2016, providing for the closing of certain City right-of-way (the "Closed Right-of-Way") and the conveyance of certain City property to the Commonwealth (the "Ordinance");

WHEREAS, in consideration of the adoption of the Ordinance, DGS has agreed to execute this MOU addressing certain matters relating to the closing of the Closed Right-of-Way; and

WHEREAS, the City and DGS desire to be bound by the terms herein.

Agreement

NOW, THEREFORE, and in consideration of the mutual promises contained herein, the Parties agree as follows.

1. DGS shall be responsible for the flow or overflow of surface and subsurface water over, under and across the Closed Right-of-Way. To manage such water flow or overflow, the City shall permit DGS to allow for the water to enter the City's stormwater system.
2. If the Director of Public Works determines that closing the Closed Right-of-Way necessitates the City to remove, replace, modify, or add street name signs, DGS shall permit the City to take any such action as may be necessary on property owned by the Commonwealth.

3. The parties contemplate entering into an agreement providing the City and the general public with reasonable access to the Closed Right-of-Way, for occasional to-be-determined future events, and agree to work together in an effort to enter into such an agreement by September 1, 2016. The sufficiency of such agreement shall be in the reasonable discretion of the City's Chief Administrative Officer and the Director of DGS.

4. DGS shall use its best efforts to assist the City in developing and implementing a traffic operations plan for Broad St. westbound between the southbound I-95 off ramp and 12th St. and the City agrees to seek the Commonwealth's input in the development of such plan. The City acknowledges that this section 5 does not obligate the Commonwealth to expend any funds.

5. DGS shall provide assistance to the City in the City's efforts to secure funding from the General Assembly for the City to (1) remove and replace the existing pedestal designed traffic signal at the intersection of Bank Street and Governor Street, (2) furnish and install a mast arm designed traffic signal that includes pedestrian signal heads, and (3) remove and replace the existing skewed mast arm designed traffic signal with a perpendicular mast arm designed traffic signal at the intersection of Broad St. and 12th St.

6. If the City attempts to seek permits or other rights from the Commonwealth's Department of Transportation in that parcel identified as Parcel 2 on that certain drawing titled "Acquisition Plat for 15th Street Right of Way Relocation" prepared by NXL Engineers, Surveyors Construction Managers, dated January 13, 2005, and designated as Drawing No. 0-23955 (Sheet 1 of 1), a copy of which is attached to the Ordinance, for the redevelopment of Main St. Station, the City acknowledges that the use and disposition of such parcel are entirely under the control of the Commonwealth's Department of Transportation, but, if asked by the City, DGS agrees to assist the City in good faith in their efforts to secure such rights or permits to the extent that DGS may be authorized to do so. The City acknowledges that DGS does not have the authority to grant the necessary rights and that DGS solely agrees to assist if such assistance is possible.

7. Within Governor Street, there may be located certain utility facilities that are not possessed by the City ("Third Party Utility Facilities"). DGS agrees to accept the conveyance of Governor Street from the City pursuant to the Ordinance subject to the presence of such existing Third Party Utility Facilities. DGS agrees not to interfere with the location, maintenance and repair of such existing Third Party Utility Facilities, but such agreement shall not limit DGS's authority to enter into easements or other agreements with the owners of such Third Party Utility Facilities that will govern the

removal, relocation or abandonment thereof or the construction, reconstruction, maintenance and repair thereof.

SIGNATURES APPEAR ON THE FOLLOWING PAGE]

IN WITNESS WHEREOF, DGS and the City have caused this instrument to be executed on its behalf by officials duly authorized therefor.

**COMMONWEALTH OF VIRGINIA,
DEPARTMENT OF GENERAL SERVICES**

By: _____

Title: _____

Commonwealth of Virginia

County/City of _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, in his capacity as _____ of the Commonwealth of Virginia, Department of General Services, on behalf of the department.

My commission expires _____

Notary Registration# _____

Notary Public

OFFICE OF ATTORNEY GENERAL

Approved as to form:

Senior Assistant Attorney General

City of Richmond, Virginia

By: _____

Title: _____

Commonwealth of Virginia

County/City of _____, to-wit:

The foregoing instrument was acknowledged before me this _____ day of _____, 2016, by _____, in his/her capacity as _____ of the City of Richmond _____, on behalf of the City.

My commission expires _____

Notary Registration# _____

Notary Public

Approved as to form:

Assistant City Attorney



1. PROPERTY LINES ARE BASED ON A RECENT SURVEY CONDUCTED BY THE ENGINEER AND ARE SHOWN BY DASHED LINES.

2. EXISTING UTILITIES ARE SHOWN BY DASHED LINES WITH THE FOLLOWING SYMBOLS:

3. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS SHOWN BY A SOLID LINE.

4. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS 100 FEET WIDE.

5. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS 100 FEET WIDE.

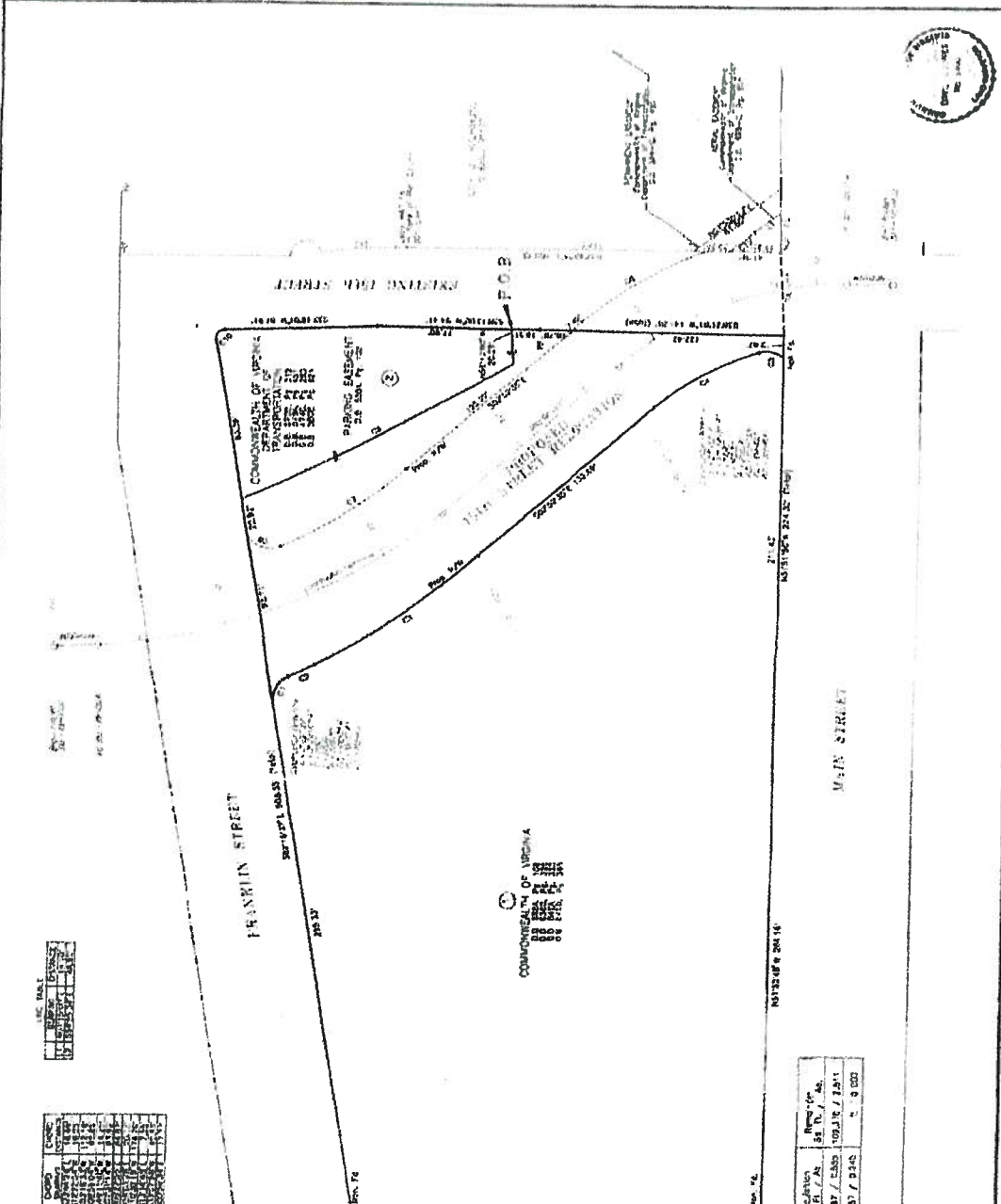
6. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS 100 FEET WIDE.

7. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS 100 FEET WIDE.

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9. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS 100 FEET WIDE.

10. THE PROPOSED HIGHWAY RIGHT-OF-WAY IS 100 FEET WIDE.



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COMMONWEALTH OF VIRGINIA
 DEPARTMENT OF PUBLIC WORKS
 DIVISION OF HIGHWAYS
 1111 STREET
 10132 4th 2014

PROPERTY ACQUISITION

Parcel	Map Ref. No.	Acq. No.	Acq. Date	Area (Sq. Ft.)	Area (Sq. Yds.)
1.	10132 4th 2014	21187 / 21187	10/11/14	10,117 / 2,311	2,311
2.	10132 4th 2014	10,457 / 10,457	10/11/14	10,457 / 2,390	2,390

APPROVED BY: [Signature]

DATE: 10/11/14

PROJECT: ACQUISITION PLAT FOR 15th STREET RIGHT-OF-WAY RELOCATION

ENGINEER: [Signature]

DATE: 10/11/14

DEPARTMENT OF PUBLIC WORKS
 RICHMOND, VIRGINIA

1. Lot dimensions in parentheses are from deed.
 2. Property vests subject as of November, 2014.
 3. Bridge No. 10132 4th 2014.
 4. Adopted by Resolution No. 10132 4th 2014.
 5. Approved by the Board of Supervisors.